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23 Attorneys for Plaintiff

24 **UNITED STATES DISTRICT COURT**
25 **DISTRICT OF NEVADA**

26 G.M., a minor, by and through AUDREY
27 GUARDANAPO and SHAUN
28 GUARDANAPO,

Plaintiff,

v.

WASHOE COUNTY SCHOOL DISTRICT;
KENDYL DEPOALI MIDDLE SCHOOL; and
JOYE ANCINA, in her official capacity as
Principal, Kendyl Depoali Middle School,

Defendants.

Case No.: 3:18-cv-00172

**STIPULATION TO VACATE AND
CONTINUE HEARING ON PLAINTIFF'S
MOTION FOR TEMPORARY
RESTRAINING ORDER; [PROPOSED]
ORDER**

Hearing Date: May 8, 2018
Time: 10:00 a.m.
Courtroom 3
Judge: Hon. Robert C. Jones

1 Plaintiff G.M., by and through Audrey Guardanapo and Shaun Guardanapo as his next
2 friends; and Defendants Washoe County School District, Kendyl Depoali Middle School, and Joye
3 Ancina, in her official capacity as Principal of Kendyl Depoali Middle School, stipulate and agree
4 as follows:

5 1. On April 24, 2018, Plaintiff filed this case against Defendants, alleging (1) that
6 Defendants' enforcement of the Washoe County School District dress code and Kendyl Depoali
7 Middle School dress code violated his First Amendment right to express his political views, and
8 (2) that the provision of the dress codes banning clothes containing "anything that promotes
9 weapons" was unconstitutionally vague and overbroad. Dkt. 1.

10 2. On May 2, 2018, Plaintiff filed a Motion for a Temporary Restraining Order
11 requesting that the Court issue an order enjoining Defendants from enforcing the Washoe County
12 School District dress code and the Kendyl Depoali Middle School dress code in a manner
13 inconsistent with the First Amendment to the United States Constitution. Dkt 6.

14 3. On May 3, 2018, the Court issued an order setting a hearing on Plaintiff's Motion
15 for a Temporary Restraining Order on May 8, at 10:00 a.m. Dkt. 15. That same Order requires
16 Defendants to file their opposition to the motion no later than 5:00 p.m. on May 4, and required
17 Plaintiff to file his reply no later than 5:00 p.m. on May 7.

18 4. The parties have met and conferred regarding the matters alleged in the complaint
19 and the relief sought in Plaintiff's Motion for a Temporary Restraining Order. The parties hereby
20 stipulate and agree that the hearing on the motion should be vacated and continued based on the
21 following representations and assurances by Defendants:

22 a. Defendants acknowledge that a teacher improperly required G.M. to cover
23 up his Firearms Policy Coalition (FPC) t-shirt without adhering to Washoe County School District
24 procedures and without notifying Kendyl Depoali Middle School administration. It appears this
25 decision was based on an outdated school dress code and a Washoe County School District
26 Parent/Student Handbook with prohibits clothing that "promotes weapons."

27 b. Defendants have voluntarily ceased enforcing the provisions of the Washoe
28 County School District Parent/Student Handbook and Kendyl Depoali Middle School dress code

1 that prohibit clothes containing “anything that promotes weapons,” and will not enforce these
2 provisions during the pendency of this lawsuit. Defendants have communicated this change in
3 policy to all affected administrators, school site personnel, sites, and campuses. Defendants will
4 communicate this change in policy to Washoe County School District parents and students no later
5 than May 18, 2018.

6 c. Within 60 days, Defendants will formally revise the Washoe County School
7 District Parent/Student Handbook and Kendyl Depoali Middle School dress code to ensure that it
8 complies with the First Amendment to the United States Constitution. Defendants will provide
9 Plaintiff’s counsel with draft revisions to the foregoing at least 7 days’ prior to any changes to
10 these documents. Defendants will provide at least 7 days’ notice of any public meeting or hearing
11 regarding revisions to the dress code policies.

12 Based upon the foregoing, Plaintiff and Defendants hereby STIPULATE, AGREE, and
13 REQUEST:

14 1. That the May 8, 2018 hearing on Plaintiff’s Motion for a Temporary Restraining
15 Order be vacated and the matter be continued to July 24, 2018, or the Court’s next available
16 hearing. Defendants shall file any opposition to Plaintiff’s motion fourteen days before the
17 hearing date. Plaintiff shall file any reply seven days before the hearing date.

18 2. The parties will submit a joint status report two weeks before the rescheduled
19 hearing on Plaintiff’s Motion for a Temporary Restraining Order.

20 Dated: May 4, 2018

THE O’MARA LAW FIRM, P.C.

21
22 By /s David C. O’Mara
23 DAVID C. O’MARA
24 Attorneys for Plaintiff
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1 Dated: May 4, 2018

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4 By /s Neil A. Rombardo
5 NEIL A. ROMBARDO
6 Chief General Counsel,
7 Washoe County School District
8 Attorneys for Defendants

9
10 **[PROPOSED] ORDER**

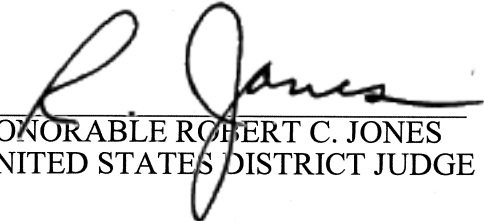
11 Having considered the stipulation of the parties, IT IS HEREBY ORDERED that:

12 1. The May 8, 2018 hearing on Plaintiff's Motion for a Temporary Restraining Order
13 is continued to July 24, 2018. Defendants shall file any opposition to Plaintiff's motion no later
14 than July 10, 2018. Plaintiff shall file any reply no later than July 17, 2018.

15 2. The parties shall file a joint status report on July 10, 2018.

16 IT IS SO ORDERED.

17 DATED: May 7, 2018.

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HONORABLE ROBERT C. JONES
UNITED STATES DISTRICT JUDGE